THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27492 OF 2005

DATED: 27.12.2005

Between:

V.Nataraja Chari.

. . .Petitioner

And

The Regional Manager, APSRTC, Tiruati Region, Chittoor and another.

Respondents

O R D E R:

The petitioner was employed as a Conductor in APSRTC in the year 1976. He was removed from service on disciplinary charges in the year 1986. Ultimately, he came to be reinstated into service in pursuance of an award passed by the Labour Court, Anantaur, in I.D.No.15 of 1990. He was granted the relief of reinstatement and continuity of service, but was denied the back wages. The petitioner was retired from service on 20.05.2003, on medical grounds. His grievance is that he was not paid gratuity for the period during which he was out of service, though the Labour Court granted the relief of continuity of service.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

It is true that in the order passed by this Court in WP.No.1706 of 2005, dated 14-03-2005, a direction was issued to the Corporation to pay gratuity to an employee for the period during which he was out of service, in case the Labour Court granted the relief of continuity of service. However, there is a factual dispute as to whether the petitioner has been paid the entire gratuity payable to him or whether the period between the dates of removal and reinstatement was excluded for this purpose. The petitioner has not yet submitted any written representation in this regard. Equally same, the respondents did not have an occasion to examine the case of the petitioner from that point of view.

Hence, the writ petition is disposed of, leaving it open to the petitioner to submit a representation, narrating his grievance and the respondents, in turn, shall take appropriate steps in the matter, within a period of four (4) weeks from the date of receiving the same. In case the relief claimed by the petitioner is not granted, the respondents shall state the reasons therefor. There shall be no order as to costs.

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27.12.2005

Jsu